

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

UNITED STATES POSTAL SERVICE

and

Case 07-CA-288454

**CENTRAL MICHIGAN AREA LOCAL 300,
AMERICAN POSTAL WORKERS UNION
(APWU), AFL-CIO**

DECISION AND ORDER

Statement of the Case

On May 9, 2022, the United States Postal Service (the Respondent); Central Michigan Area Local 300, American Postal Workers Union (APWU), AFL-CIO (the Charging Party); and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to Board approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.¹

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Respondent's business

¹ We note that the remedy to which the parties have agreed differs in some respects from previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 345 NLRB 426 (2005), enfd. 486 F.3d 683 (10th Cir. 2007); *United States Postal Service*, 28-CA-017383 et al., unpublished order issued November 4, 2002, enfd. Case 02-9587 (10th Cir. 2003). These broad orders, as enforced by the United States Court of Appeals, remain in effect, and the Board's approval of this stipulation does not modify these orders in any respect.

The Respondent provides postal services for the United States and operates various facilities throughout the United States in performing that function, including its facility located at 4800 Collins Road, Lansing, Michigan. The Board has jurisdiction over the Respondent and this matter by virtue of Section 1209 of the Postal Reorganization Act (PRA), 39 U.S.C. §101 et. seq.

2. The labor organizations involved

At all material times, American Postal Workers Union (APWU), AFL-CIO (National Union) and the Charging Party have each been a labor organization within the meaning of Section 2(5) of the National Labor Relations Act.

3. The appropriate unit

(a) The following employees of the Respondent (the unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All maintenance employees, motor vehicle employees, postal clerks, special delivery messengers, mail equipment shops employees, material distribution centers employees, operating services and facilities services employees, but excluding managerial and supervisory personnel, professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined by Public Law 91-375, 1201(2), all postal inspection service employees, rural letter carriers, mail handlers and letter carriers.

(b) Since about 1971, and at all material times, the Respondent has recognized the National Union as the exclusive collective-bargaining representative of the unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective from September 21, 2018 through September 20, 2021.

(c) At all material times since 1971, the National Union has been the exclusive collective-bargaining representative of the unit based on Section 9(a) of the Act.

(d) At all material times, the Charging Party has been the designated servicing representative of the National Union for employees in the unit employed at the Respondent's facility located at 4800 Collins Road, Lansing, Michigan.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, Lansing, Michigan, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Unreasonably delaying in furnishing or refusing to furnish the Charging Party with relevant requested information, or in any like or related manner interfering with, restraining, or coercing its employees in the exercise of the rights guaranteed in Section 7 of the Act.

(b) Unreasonably delaying in furnishing or refusing to furnish the Charging Party with relevant requested information, or in any like or related manner refusing to bargain collectively and in good faith with the Charging Party as the designated servicing agent of the exclusive collective-bargaining representative of the unit at the Respondent's facility that represents employees at its Lansing P&DC located at 4800 Collins Road, Lansing, Michigan.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Upon request, bargain collectively and in good faith with the Charging Party as the designated servicing representative of the exclusive collective-bargaining representative for employees in the unit employed at the Respondent's facility at 4800 Collins Road, Lansing, Michigan (Lansing P&DC) with respect to pay, wages, hours of employment, and other terms and conditions of employment.

(b) Within 14 days of service by Region 7, post copies of the attached notice marked Appendix A at the Respondent's facility located at the following address: 4800 Collins Road, Lansing, Michigan. Copies of the notice, on forms provided by Region 7, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since December 16, 2021.

(c) Within 21 days after service by Region 7, file with the Regional Director a sworn certification by a responsible Respondent official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., June 9, 2022.

John F. Ring, Member

Gwynne A. Wilcox, Member

David M. Prouty, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX A

NOTICE TO EMPLOYEES POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

Form, join, or assist a union;
Choose a representative to bargain with us on your behalf;
Act together with other employees for your benefit and protection;
Choose not to engage in any of these protected activities.

WE WILL NOT interfere with, restrain, or coerce you in the exercise of the above rights.

WE WILL NOT, upon request, fail or refuse to bargain collectively and in good faith with Central Michigan Area Local 300, American Postal Workers Union (APWU), AFL-CIO (the Union) as the designated servicing representative of the exclusive collective-bargaining representative of the employees in the following appropriate unit at the Lansing P&DC located at 4800 Collins Road, Lansing, Michigan:

All maintenance employees, motor vehicle employees, postal clerks, special delivery messengers, mail equipment shops employees, material distribution centers employees, operating services and facilities services employees, but excluding managerial and supervisory personnel, professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined by Public Law 91-375, 1201(2), all postal inspection service employees, rural letter carriers, mail handlers and letter carriers.

WE WILL NOT unreasonably delay in providing the Union with information that is necessary and relevant to its role as the exclusive collective-bargaining representative of our employees in the unit, including ETC Employee All Reports and 1723s for employee Ami Daley.

WE WILL NOT fail or refuse to bargain in good faith with the Union.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of your rights under Section 7 of the Act.

WE WILL, upon request, bargain collectively and in good faith with the Union as the designated servicing representative of the exclusive collective-bargaining representative for employees in the unit with respect to pay, wages, hours of employment, and other terms and conditions of employment.

UNITED STATES POSTAL SERVICE

The Board's decision can be found at www.nlr.gov/case/07-CA-288454 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

